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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,897	12/09/2003	Andrew M.K. Pennell	019934-003720US	6930
20350 7590 05/20/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER BERNHARDT, EMILY B				
ART UNIT		PAPER NUMBER		
1624				
MAIL DATE		DELIVERY MODE		
05/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/732,897	PENNELL ET AL.
	Examiner	Art Unit
	EMILY BERNHARDT	1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 28 April 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The request to add an inventor under Rule 1.48(a) has been denied for more than one reason. Good and sufficient reasons why not earlier presented has not been provided. It is noted that applicants were aware of the problem as early as 1/28/08 as seen in the oath signed by the additional inventor. Additionally, entry of such change to the inventive entity will likely raise patentability issues as the parent of instant case (and/or its WO equivalent) which currently has the same inventive entity, will likely be prior art. Instant application is a CIP of earlier parent. To correct the defect in the inventorship, pursuant to 37 CFR 1.114, a Request for Continued Examination needs to be filed.

/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624

/Emily Bernhardt/
Primary Examiner, Art Unit 1624